

Patent
Attorney Docket: 895,080-008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED
CENTRAL FAX CENTER**

In re the Application of:

Group Art Unit: 2665

STUART BERMAN

JUL 12 2005

Serial No.: 09/330,755

Examiner: Daniel J. Ryman

Filed: June 11, 1999

For: **FIBRE CHANNEL SWITCHING SYSTEM**

RCE AND AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision On Appeal by the Board of Patent Appeals and Interferences mailed on March 24, 2005, Applicants file herewith an RCE of the above referenced application. In conjunction with this request, please enter the following amendment:

Amendment to the Claims begins on page 2 of this paper.

Remarks begin on page 6 of this paper.

17/14/2005 HLE333 00000007 502862 09330755

01 FC:1801 790.00 DA

Adjustment date: 09/15/2005 SDIRETA1

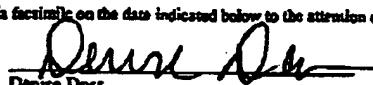
07/14/2005 HLE333 00000007 502862 09330755
01 FC:1801 790.00 CR

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):
 Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Pursuant to 37 C.F.R. § 1.8(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Craig Feinberg at Facsimile No (317) 273-8300.

Dated: July 12, 2005

Name of Person Certifying:
Printed Name: Denise Does



JUL-20-2005 10:32

O'MELVENY&MYERS LLP IRV03

949 737 2300 P.01

PATENT TRADEMARK
DIVISION

O'MELVENY & MYERS LLP

2005 JUL 20 PM 9:14

BEIJING
BRUSSELS
CENTURY CITY
HONG KONG
LONDON
LOS ANGELES
NEWPORT BEACH

Irvine Spectrum
114 Pacifica, Suite 100
Irvine, California 92618-3315
TELEPHONE (949) 737-2900
FACSIMILE (949) 737-2300
www.omm.com

US PATENT & TRADEMARK
OFFICE

NEW YORK
SAN FRANCISCO
SHANGHAI
SILICON VALLEY
TOKYO
WASHINGTON, D.C.

July 15, 2005

OUR FILE NUMBER
895,080-008

VIA FACSIMILE (703) 308-5077

WRITER'S DIRECT DIAL
(949) 737-2990

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

WRITER'S E-MAIL ADDRESS
jpascua@omm.com

Re: Request for Refund - Deposit Account No. 50-2862

Dear Sirs:

The above-referenced deposit account contains a duplicate charge for a Request for Continued Examination for United States Patent Application No. 09/330,755 (Our Reference: 895080-008). In addition, the attorney docket number is mistakenly noted as reference 895080-007.

On May 24, 2005, a Request for Continued Examination was filed by facsimile in the United States Patent and Trademark Office. The RCE Transmittal authorized the appropriate fee to be charged to Deposit Account No. 50-2862.

On June 24, 2005, the PTO mailed a Notice of Abandonment and a Notice of Non-Complaint Amendment on June 28, 2005. On July 1, 2005, a Letter Requesting Withdrawal of Notice of Abandonment was filed in the USPTO.

On June 28, 2005, \$790 was charged to Deposit Account No. 50-2862 as Sequence No. 1 (*copy of June 2005 Deposit Account Statement attached*) for the filing of the Request for Continued Examination.

On July 12, 2005, a Response to the Notice of Non-Compliant Amendment, including an updated version of the RCE and Amendment were filed by facsimile in the United States Patent and Trademark Office.

It has come to our attention that an additional \$790 was charged to Deposit Account No. 50-2862 on July 14, 2005 as Sequence No. 10 for filing a Request for Continued Examination (*copy of July 2005 Deposit Account Statement attached*).

IRI:1066800.1

PAGE 1/4 *RCVD AT 7/20/2005 1:25:08 PM [Eastern Daylight Time]* SVR:USPTO-EFXRF-6/33*DNIS:2736500*CSID:949 737 2300*DURATION (mm:ss):01:34

BEST AVAILABLE COPY

JUL-20-2005 10:33

O'MELVENY & MYERS LLP IRV03

949 737 2300 P.02
PATENT TRADEMARK
DIVISION

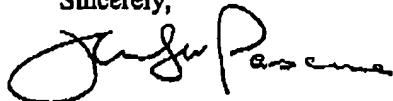
O'MELVENY & MYERS LLP
Mail Stop 16, July 15, 2005 - Page 2

2005 JUL 26 AM 07:14

We believe this fee should not have been assessed and hereby request \$750.00 be credited back to Deposit Account No. 50-2862.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



Jennifer M. Pascua
Registration No. 56,489
for O'MELVENY & MYERS LLP

JMP:kmg

Enclosures (as stated)

IR1:1066800.1

PAGE 2/4 * RCVD AT 7/20/2005 1:25:08 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-633 * DNIS:2738500 * CSK:949 737 2300 * DURATION (mm:ss):01:34

BEST AVAILABLE COPY



**United States
Patent and
Trademark Office**

PATENT MAINTENANCE
DMS

2005 JUL 20 AM 9:14

US PATENT & TRADEMARK
OFFICE

USPTO
Home
Page

Finance
Online
Shipping
Page

Deposit Account Statement

Requested Statement Month:	July 2005
Deposit Account Number:	502862
Name:	O'MELVENY & MYERS LLP
Attention:	KRISTIN M GODFREY
Address:	114 PACIFICA
City:	IRVINE
State:	CA
Zip:	92618
Country:	UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/05	109	PCT/US05/22306	335,699-044 1601		\$300.00	\$11,209.00
07/05	110	PCT/US05/22306	335,699-044 1802		\$1,000.00	\$10,209.00
07/05	111	PCT/US05/22306	335,699-044 1701		\$1,124.00	\$9,085.00
07/05	112	PCT/US05/22306	335,699-044 1703		\$39.00	\$9,046.00
07/05	113	PCT/US05/22306	335,699-044 8007.		\$20.00	\$9,026.00
07/05	223	11170514	612,404-428 2011		\$150.00	\$8,876.00
07/05	224	11170514	612,404-428 2111		\$250.00	\$8,626.00
07/05	225	11170514	612,404-428 2311		\$100.00	\$8,526.00
07/05	226	11170514	612,404-428 2202		\$50.00	\$8,476.00
07/05	784	11045628		8021	\$40.00	\$8,436.00
07/05	787	11035296		8021	\$40.00	\$8,396.00
07/06	32	PAYMENT		9203	-\$4,178.00	\$12,574.00
07/07	1	10198867	895,080-007 1201		-\$600.00	\$13,174.00
07/07	2	10198867	895,080-007 2201		\$43.00	\$13,131.00
07/07	3	10198867	895,080-007 2202		\$45.00	\$13,086.00
07/07	4	10198867	895,080-007 2203		\$145.00	\$12,941.00
07/07	5	10198867	895,080-007 1201		\$400.00	\$12,541.00
07/07	9	11173061	953.884-004 2011		\$150.00	\$12,391.00
07/07	10	11173061	953.884-004 2111		\$250.00	\$12,141.00
07/07	11	11173081	953.884-004 2311		\$100.00	\$12,041.00
07/11	4	11053686	892,280-188 2051		\$65.00	\$11,976.00
07/11	5	11053686	892,280-188 2251		\$60.00	\$11,916.00
07/11	13	10294024	PAT-009B1 1252		\$450.00	\$11,466.00
07/11	15	09505619	PAT-009B 1401		\$500.00	\$10,966.00
07/11	16	08505619	PAT-009B 1252		\$450.00	\$10,516.00
07/13	25	09691392	PAT-009C 1251		\$120.00	\$10,396.00
07/14	10	09330755	896,080-007 1801		\$790.00	\$9,606.00

JUL-20-2005 10:33

O'MELVENY&MYERS LLP IRV03

949 737 2300 P.04

						PATENT MAINTENANCE DIVISION
06/23 298	11157364	892,280-641	2011	\$150.00	\$15,089.00	
06/23 299	11157364	892,280-641	2111	\$250.00	\$14,839.00	
06/23 300	11157364	892,280-641	2311	\$100.00	\$14,739.00	2005 JUL 20 AM 9:14
06/23 301	11157364	892,280-641	2081	\$375.00	\$14,364.00	
06/23 302	11157364	892,280-641	2202	\$500.00	\$13,864.00	
06/27 1	10518802	892,280-484	1632	-\$500.00	\$14,364.00	US PATENT & TRADEMARK OFFICE
06/27 2	10518802	892,280-484	1642	\$400.00	\$13,964.00	
06/27 7	11157364	892,280-641	8021	\$40.00	\$13,924.00	
06/27 29	11116064	892,280-225	1011	-\$300.00	\$14,224.00	
06/27 30	11116064	892,280-225	1111	-\$500.00	\$14,724.00	
06/27 31	11116064	892,280-225	1311	-\$200.00	\$14,924.00	
06/27 32	11116064	892,280-225	2011	\$150.00	\$14,774.00	
06/27 33	11116064	892,280-225	2111	\$250.00	\$14,524.00	
06/27 34	11116064	892,280-225	2311	\$100.00	\$14,424.00	
06/27 35	11116064	892,280-225	2081	\$500.00	\$13,924.00	
06/28 1	0930755	895,080-007	1801	\$790.00	\$13,134.00	
06/28 213	60693743	895,675-213	2005	\$100.00	\$13,034.00	
06/30 3	10197185	274/169	1806	\$180.00	\$12,854.00	
06/30 102	10198867	895,080-007	1201	\$600.00	\$12,254.00	
06/30 103	10198867	895,080-007	1202	\$350.00	\$11,904.00	
06/30 141	10639050	412692000901	2801	\$395.00	\$11,509.00	
		START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
		\$10,241.00	\$14,378.00	\$15,844.00	\$11,509.00	

[Need Help?](#) | [USPTO Home Page](#) | [Finance Online Shopping Page](#)